

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

102

2024:PHHC:026450-DB
CWP-PIL-117-2019
Date of Decision: 26.02.2024

Court on its Own Motion

.....Petitioner(s)

Versus

Union of India and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE LAPITA BANERJI**

Present: Mr. Amit Jhanji, Sr. Advocate,
with Mr. Abhishek K. Premi, Advocate, for PGIMER.

Mr. Arun Gosain, Senior Government Counsel,
for Union of India.

G.S.SANDHAWALIA, ACTING CHIEF JUSTICE (Oral)

1. The present writ petition had been filed under Articles 226 and 227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the impugned orders dated 26.09.2017 (Annexure P-8) and 20.12.2017 (Annexure P-11) passed by the Central Administrative Tribunal, Chandigarh Bench in Original Application No. OA/060/694/2017 and Review Application No. RA/060/00067/2017 in the said O.A. Vide order dated 11.01.2019, the co-ordinate Bench widened the scope of the present petition which was initially arising out of a service dispute *inter se* the faculty members.

2. Directions were issued on 03.04.2019 that the matter would be listed before the Bench dealing with public interest litigation. Directions were issued on 23.10.2019 that the selection process for filling up the 117 posts be initiated by advertising the posts on or before 15.12.2019 and the entire selection process was to be completed within six months. Liberty was also given to fill up the posts in a phased manner.

3. Time had been taken for filing status report on various occasions.

On 20.12.2023, we had passed the following order:-

to show that 117 posts were lying vacant. It is now pointed out that more posts have fallen vacant and at present out of the 732 posts, only 566 faculty posts are filled up and, therefore, 166 posts still remain vacant. The sole purpose as such of the present litigation is to ensure that all the posts are filled up to improve the efficiency of the teaching faculty.

Therefore, let status report be filed. The Director, PGIMER, Chandigarh shall take active steps to start filling up the posts at the earliest.

To come up for the said purpose on 06.01.2024.”

4. In pursuance of the said order, the status report dated 18.01.2024 by the Administrative Officer of PGIMER, Chandigarh has been placed on record. A perusal of the same would go on to show that 167 faculty posts are lying vacant. The break up is as under:-

<i>Posts</i>	<i>Sanctioned strength</i>	<i>In position strength</i>	<i>Vacancy</i>
<i>Professor</i>	<i>70</i>	<i>29</i>	<i>41</i>
<i>Additional Professor</i>	<i>04</i>	<i>04</i>	<i>00</i>
<i>Associate Professor</i>	<i>02</i>	<i>01</i>	<i>01</i>
<i>Assistant Professor</i>	<i>656</i>	<i>532</i>	<i>125</i>
<i>Total</i>	<i>732</i>	<i>565</i>	<i>167</i>

5. It has been averred in the above said status report that an advertisement dated 02.01.2024 has been issued for filling up 124 posts of Assistant Professors and one post could not be advertised in the field of Histopathology (Electron Microscopic) due to non-existence of recruitment rules of the said post. It has been mentioned that the selection to the said post was a lengthy process as external experts from different specialities have to be called for interviewing the candidates for the final selection and endeavors will be made to complete the said recruitment expeditiously. Out of the 41 vacant

posts of Professor, 28 posts were proposed for downgrading to the post of Assistant Professor and the matter was placed before the Standing Academic Committee of the Institute in its meeting held on 26.05.2022 (Annexure A/2). The proposal had been approved and put before the Governing Body in its meeting held on 06.09.2023 (Annexure A/3). The same was deferred in the 129th meeting of the Governing Body. Vide communication dated 06.11.2023, the Union of India was requested to consider the proposal for downgrading of the said posts. It has been averred that the Institute is preparing reservation roster in compliance with the provisions of the Central Educational Institutions (Reservation in Teacher' Cadre) Act, 2019 and the vacant posts of Professors will be filled up as and when the aforesaid exercise will be completed or the proposal for downgrading the 28 posts will be received.

6. Keeping in view the stand as such, we dispose of the present petition on the undertaking given by way of the present status report with a hope that the PGIMER, Chandigarh will ensure that steps are taken to fill up the vacancies as advertised and also follow up the downgrading process at the earliest with the Union of India. The Union of India should also, in the meantime, take active steps to consider the request which has been sent on 06.11.2023 since it is a matter of fact that the PGIMER is over burdened with the flow of patients from all over Northern India and, therefore, effectiveness of medical care will be reduced if the faculty strength is not filled up to the fullest. The said process be accordingly completed by 30.09.2024.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

26.02.2024
shivani

(LAPITA BANERJI)
JUDGE

Whether reasoned/speaking	Yes
Whether reportable	No